

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:15-cv-00109-MR**

**SANDRA M. PETERS, on behalf of
herself and all others similarly
situated,**

Plaintiff,

vs.

**AETNA INC., AETNA LIFE
INSURANCE COMPANY, and
OPTUMHEALTH CARE SOLUTIONS,
INC.,**

Defendants.

ORDER

THIS MATTER is before the Court on the Plaintiff's Motion for Leave to File Surreply to Optum's Motion for Summary Judgment [Doc. 216] and the parties' Joint Motion for Leave to File under Seal One Exhibit and Related Portions of Plaintiff's Proposed Surreply to Optum's Motion for Summary Judgment [Doc. 214].

The Plaintiff seeks leave to file a surreply in support of her response in opposition to Optum's Motion for Summary Judgment. [Doc. 216]. Optum opposes the Plaintiff's Motion. [Doc. 218].

Nothing in the Court's standard Pretrial Order and Case Management Plan authorizes the filing of a surreply brief. The Local Rules provide that such briefs "are neither anticipated nor allowed by this Rule, but leave of Court may be sought to file a surreply when warranted." LCvR 7.1(e). "Generally, courts allow a party to file a surreply only when fairness dictates based on new arguments raised in the previous reply." DiPaulo v. Potter, 733 F. Supp. 2d 666, 670 (M.D.N.C. 2010).

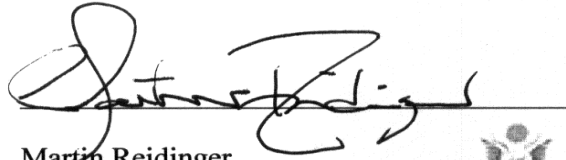
The Court does not find that fairness so dictates here. Optum's Motion for Summary Judgment has been exhaustively briefed, and the Court is more than capable of discerning the positions of the parties from the briefs that have already been filed.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for Leave to File Surreply to Optum's Motion for Summary Judgment [Doc. 216] is **DENIED**.

IT IS FURTHER ORDERED that the parties' Joint Motion for Leave to File under Seal One Exhibit and Related Portions of Plaintiff's Proposed Surreply to Optum's Motion for Summary Judgment [Doc. 214] is **DENIED AS MOOT**.

IT IS SO ORDERED.

Signed: April 10, 2019


Martin Reidinger
United States District Judge

